

REMARKS/ARGUMENTS

Applicant responds herein to the Advisory Action dated August 24, 2007. In the After Final Amendment which has not been entered, Applicant explained how the Kanner reference could not be used for the repair of bone tissue fragments. In particular, Kanner is directed to a staple. If the prongs of the Kanner device enter bone, a large portion of the clip would protrude outside of the bone due to the curved form of Kanner's legs. Accordingly, it would not be useable as a bone clip.

In order to distinguish the Kanner reference further, amendments have been made to the independent claims 1 and 21. In particular, the claims have been amended to recite that the engagement legs are straight over their entire lengths to the point where they connect to the connecting bridge so that the connecting bridge lies substantially flat on the bone tissue when the clip is installed.

The Kanner device is incapable of being used in this way and does not teach or suggest the invention as now claimed.

Accordingly, Applicants submit that the claims as amended should be found allowable over the cited and applied prior art.

In addition, the Examiner should find claims 3 and 22, which have been previously amended, also to be allowable as not taught or suggested by the cited prior art.

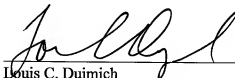
As discussed in the Remarks section of the After Final Amendment, claims 3 and 22 have been amended to recite that the force applied to the elongated sections of the clip is "selected from at least one to separate and to unite the two elongated sections." This is not taught or suggested in Kanner. Support for this limitation is provided in paragraph 22 of the present application which teaches that separating or bringing the elongated sections 115a, 115b closer

together causes the engagement legs 105a,105b to come closer together to one another or separate, respectively. There is no teaching or suggestion of this in the Kanner reference.

In view of the above, Applicant submits that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
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Respectfully submitted,



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